

106TH CONGRESS  
2D SESSION

# H. R. 4320

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## AN ACT

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.



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## AN ACT

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Great Ape Conserva-  
5       tion Act of 2000”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

8               (1) great ape populations have declined to the  
9               point that the long-term survival of the species in  
10              the wild is in serious jeopardy;

11             (2) the chimpanzee, gorilla, bonobo, orangutan,  
12             and gibbon are listed as endangered species under  
13             section 4 of the Endangered Species Act of 1973 (16  
14             U.S.C. 1533) and under Appendix I of the Conven-  
15             tion on International Trade in Endangered Species  
16             of Wild Fauna and Flora (27 UST 1087; TIAS  
17             8249);

18             (3) because the challenges facing the conserva-  
19             tion of great apes are so immense, the resources  
20             available to date have not been sufficient to cope  
21             with the continued loss of habitat due to human en-  
22             croachment and logging and the consequent diminu-  
23             tion of great ape populations;

24             (4) because great apes are flagship species for  
25             the conservation of the tropical forest habitats in

1 which they are found, conservation of great apes  
2 provides benefits to numerous other species of wild-  
3 life, including many other endangered species;

4 (5) among the threats to great apes, in addition  
5 to habitat loss, are population fragmentation, hunt-  
6 ing for the bushmeat trade, live capture, and expo-  
7 sure to emerging or introduced diseases;

8 (6) great apes are important components of the  
9 ecosystems they inhabit, and studies of their wild  
10 populations have provided important biological in-  
11 sights;

12 (7) although subsistence hunting of tropical for-  
13 est animals has occurred for hundreds of years at a  
14 sustainable level, the tremendous increase in the  
15 commercial trade of tropical forest species is detri-  
16 mental to the future of these species; and

17 (8) the reduction, removal, or other effective  
18 addressing of the threats to the long-term viability  
19 of populations of great apes in the wild will require  
20 the joint commitment and effort of countries that  
21 have within their boundaries any part of the range  
22 of great apes, the United States and other countries,  
23 and the private sector.

24 (b) PURPOSES.—The purposes of this Act are—

1           (1) to sustain viable populations of great apes  
2       in the wild; and

3           (2) to assist in the conservation and protection  
4       of great apes by supporting conservation programs  
5       of countries in which populations of great apes are  
6       located and by supporting the CITES Secretariat.

7 **SEC. 3. DEFINITIONS.**

8       In this Act:

9           (1) CITES.—The term “CITES” means the  
10      Convention on International Trade in Endangered  
11      Species of Wild Fauna and Flora, done at Wash-  
12      ington March 3, 1973 (27 UST 1087; TIAS 8249),  
13      including its appendices.

14          (2)            CONSERVATION.—The           term  
15      “conservation”—

16            (A) means the use of methods and proce-  
17           dures necessary to prevent the diminution of,  
18           and to sustain viable populations of, a species;  
19           and

20            (B) includes all activities associated with  
21      wildlife management, such as—

22                   (i) conservation, protection, restora-  
23                   tion, acquisition, and management of habi-  
24                   tat;

1 (ii) in-situ research and monitoring of  
2 populations and habitats;

3 (iii) assistance in the development, im-  
4 plementation, and improvement of manage-  
5 ment plans for managed habitat ranges;

6 (iv) enforcement and implementation  
7 of CITES;

8 (v) enforcement and implementation  
9 of domestic laws relating to resource man-  
10 agement;

11 (vi) development and operation of  
12 sanctuaries for members of a species res-  
13 cued from the illegal trade in live animals;

14 (vii) training of local law enforcement  
15 officials in the interdiction and prevention  
16 of the illegal killing of great apes;

17 (viii) programs for the rehabilitation  
18 of members of a species in the wild and re-  
19 lease of the members into the wild in ways  
20 which do not threaten existing wildlife pop-  
21 ulations by causing displacement or the in-  
22 troduction of disease;

23 (ix) conflict resolution initiatives;

24 (x) community outreach and edu-  
25 cation; and

1 (xi) strengthening the capacity of local  
2 communities to implement conservation  
3 programs.

4 (3) FUND.—The term “Fund” means the Great  
5 Ape Conservation Fund established by section 5.

6 (4) GREAT APE.—The term “great ape” means  
7 a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

8 (5) MULTINATIONAL SPECIES CONSERVATION  
9 FUND.—The term “Multinational Species Conserva-  
10 tion Fund” means such fund as established in title  
11 I of the Department of the Interior and Related  
12 Agencies Appropriations Act, 1999, under the head-  
13 ing “MULTINATIONAL SPECIES CONSERVATION  
14 FUND”.

15 (6) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 **SEC. 4. GREAT APE CONSERVATION ASSISTANCE.**

18 (a) IN GENERAL.—Subject to the availability of  
19 funds and in consultation with other appropriate Federal  
20 officials, the Secretary shall use amounts in the Fund to  
21 provide financial assistance for projects for the conserva-  
22 tion of great apes for which project proposals are approved  
23 by the Secretary in accordance with this section.

24 (b) PROJECT PROPOSALS.—



1           (1) ELIGIBLE APPLICANTS.—A proposal for a  
2       project for the conservation of great apes may be  
3       submitted to the Secretary by—

4           (A) any wildlife management authority of  
5       a country that has within its boundaries any  
6       part of the range of a great ape if the activities  
7       of the authority directly or indirectly affect a  
8       great ape population;

9           (B) the CITES Secretariat; or

10          (C) any person or group with the dem-  
11       onstrated expertise required for the conserva-  
12       tion of great apes.

13          (2) REQUIRED ELEMENTS.—A project proposal  
14       shall include—

15          (A) a concise statement of the purposes of  
16       the project;

17          (B) the name of the individual responsible  
18       for conducting the project;

19          (C) a description of the qualifications of  
20       the individuals who will conduct the project;

21          (D) a concise description of—

22               (i) methods for project implementa-  
23               tion and outcome assessment;

24               (ii) staff and community management  
25               for the project; and

1 (iii) the logistics of the project;

2 (E) an estimate of the funds and time re-  
3 quired to complete the project;

4 (F) evidence of support for the project by  
5 appropriate governmental entities of the coun-  
6 tries in which the project will be conducted, if  
7 the Secretary determines that such support is  
8 required for the success of the project;

9 (G) information regarding the source and  
10 amount of matching funding available for the  
11 project; and

12 (H) any other information that the Sec-  
13 retary considers to be necessary for evaluating  
14 the eligibility of the project for funding under  
15 this Act.

16 (c) PROJECT REVIEW AND APPROVAL.—

17 (1) IN GENERAL.—The Secretary shall—

18 (A) not later than 30 days after receiving  
19 a project proposal, provide a copy of the pro-  
20 posal to other appropriate Federal officials; and

21 (B) review each project proposal in a time-  
22 ly manner to determine if the proposal meets  
23 the criteria specified in subsection (d).

24 (2) CONSULTATION; APPROVAL OR DIS-  
25 APPROVAL.—Not later than 180 days after receiving

1 a project proposal, and subject to the availability of  
2 funds, the Secretary, after consulting with other ap-  
3 propriate Federal officials, shall—

4 (A) consult on the proposal with the gov-  
5 ernment of each country in which the project is  
6 to be conducted;

7 (B) after taking into consideration any  
8 comments resulting from the consultation, ap-  
9 prove or disapprove the proposal; and

10 (C) provide written notification of the ap-  
11 proval or disapproval to the person who sub-  
12 mitted the proposal, other appropriate Federal  
13 officials, and each country described in sub-  
14 paragraph (A).

15 (d) CRITERIA FOR APPROVAL.—The Secretary may  
16 approve a project proposal under this section if the project  
17 will enhance programs for conservation of great apes by  
18 assisting efforts to—

19 (1) implement conservation programs;

20 (2) address the conflicts between humans and  
21 great apes that arise from competition for the same  
22 habitat;

23 (3) enhance compliance with CITES and other  
24 applicable laws that prohibit or regulate the taking

1 or trade of great apes or regulate the use and man-  
2 agement of great ape habitat;

3 (4) develop sound scientific information on, or  
4 methods for monitoring—

5 (A) the condition and health of great ape  
6 habitat;

7 (B) great ape population numbers and  
8 trends; or

9 (C) the current and projected threats to  
10 the habitat, current and projected numbers, or  
11 current and projected trends; or

12 (5) promote cooperative projects on the issues  
13 described in paragraph (4) among government enti-  
14 ties, affected local communities, nongovernmental or-  
15 ganizations, or other persons in the private sector.

16 (e) PROJECT SUSTAINABILITY.—To the maximum  
17 extent practicable, in determining whether to approve  
18 project proposals under this section, the Secretary shall  
19 give preference to conservation projects that are designed  
20 to ensure effective, long-term conservation of great apes  
21 and their habitats.

22 (f) MATCHING FUNDS.—In determining whether to  
23 approve project proposals under this section, the Secretary  
24 shall give preference to projects for which matching funds  
25 are available.

1 (g) PROJECT REPORTING.—

2 (1) IN GENERAL.—Each person that receives  
3 assistance under this section for a project shall sub-  
4 mit to the Secretary periodic reports (at such inter-  
5 vals as the Secretary considers necessary) that in-  
6 clude all information that the Secretary, after con-  
7 sultation with other appropriate government offi-  
8 cials, determines is necessary to evaluate the  
9 progress and success of the project for the purposes  
10 of ensuring positive results, assessing problems, and  
11 fostering improvements.

12 (2) AVAILABILITY TO THE PUBLIC.—Reports  
13 under paragraph (1), and any other documents re-  
14 lating to projects for which financial assistance is  
15 provided under this Act, shall be made available to  
16 the public.

17 (h) LIMITATIONS ON USE FOR CAPTIVE BREED-  
18 ING.—Amounts provided as a grant under this Act—

19 (1) may not be used for captive breeding of  
20 great apes other than for captive breeding for re-  
21 lease into the wild; and

22 (2) may be used for captive breeding of a spe-  
23 cies for release into the wild only if no other con-  
24 servation method for the species is biologically fea-  
25 sible.

1 (i) PANEL.—Every 2 years, the Secretary shall con-  
2 vene a panel of experts to identify the greatest needs for  
3 the conservation of great apes.

4 **SEC. 5. GREAT APE CONSERVATION FUND.**

5 (a) ESTABLISHMENT.—There is established in the  
6 Multinational Species Conservation Fund a separate ac-  
7 count to be known as the “Great Ape Conservation  
8 Fund”, consisting of—

9 (1) amounts transferred to the Secretary of the  
10 Treasury for deposit into the Fund under subsection  
11 (e);

12 (2) amounts appropriated to the Fund under  
13 section 6; and

14 (3) any interest earned on investment of  
15 amounts in the Fund under subsection (c).

16 (b) EXPENDITURES FROM FUND.—

17 (1) IN GENERAL.—Subject to paragraph (2),  
18 upon request by the Secretary, the Secretary of the  
19 Treasury shall transfer from the Fund to the Sec-  
20 retary, without further appropriation, such amounts  
21 as the Secretary determines are necessary to provide  
22 assistance under section 4.

23 (2) ADMINISTRATIVE EXPENSES.—Of the  
24 amounts in the account available for each fiscal  
25 year, the Secretary may expend not more than 3

1 percent, or up to \$80,000, whichever is greater, to  
2 pay the administrative expenses necessary to carry  
3 out this Act.

4 (c) INVESTMENT OF AMOUNTS.—

5 (1) IN GENERAL.—The Secretary of the Treas-  
6 ury shall invest such portion of the Fund as is not,  
7 in the judgment of the Secretary of the Treasury,  
8 required to meet current withdrawals. Investments  
9 may be made only in interest-bearing obligations of  
10 the United States.

11 (2) ACQUISITION OF OBLIGATIONS.—For the  
12 purpose of investments under paragraph (1), obliga-  
13 tions may be acquired—

14 (A) on original issue at the issue price; or

15 (B) by purchase of outstanding obligations  
16 at the market price.

17 (3) SALE OF OBLIGATIONS.—Any obligation ac-  
18 quired by the Fund may be sold by the Secretary of  
19 the Treasury at the market price.

20 (4) CREDITS TO FUND.—The interest on, and  
21 the proceeds from the sale or redemption of, any ob-  
22 ligations held in the Fund shall be credited to and  
23 form a part of the Fund.

24 (d) TRANSFERS OF AMOUNTS.—

1           (1) IN GENERAL.—The amounts required to be  
 2           transferred to the Fund under this section shall be  
 3           transferred at least monthly from the general fund  
 4           of the Treasury to the Fund on the basis of esti-  
 5           mates made by the Secretary of the Treasury.

6           (2) ADJUSTMENTS.—Proper adjustment shall  
 7           be made in amounts subsequently transferred to the  
 8           extent prior estimates were in excess of or less than  
 9           the amounts required to be transferred.

10          (e) ACCEPTANCE AND USE OF DONATIONS.—The  
 11         Secretary may accept and use donations to provide assist-  
 12         ance under section 4. Amounts received by the Secretary  
 13         in the form of donations shall be transferred to the Sec-  
 14         retary of the Treasury for deposit into the Fund.

15         **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16                 There are authorized to be appropriated to the Fund  
 17         \$5,000,000 for each of fiscal years 2001 through 2005.

               Passed the House of Representatives July 25, 2000.

               Attest:

*Clerk.*